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Court documents contradict Cabral in whistleblower case

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By Andrea Estes, Globe Staff July 22, 2005

New court documents contradict statements from Suffolk County Sheriff Andrea Cabral, who has denied firing a jail employee for cooperating with an FBI investigation into abuse of inmates at the Suffolk County jail.

The filings include a deposition from Donna Jurdak, who was the supervisor of nurse Sheila J. Porter, the employee barred from working at the jail in 2003. The FBI is probing the circumstances surrounding Porter's firing.

Porter has also filed a civil suit, contending she was punished for being a whistleblower and informing for the FBI. Cabral has said that Porter was fired for failing to file proper paperwork about alleged abuse.

Jurdak was in the room when Porter was dismissed by one of Cabral's deputies in 2003 and said in her deposition that Porter was told that a jail policy barred her from "communicating with an outside agency," the FBI, about what was going on at the jail and was then ordered off the premises for good. The woman who ordered Porter to leave the jail, former deputy superintendent Mary Ellen Mastrorilli, also has said, in a separate deposition, that she was told specifically to discharge Porter for "talking to an outside agency," according to two people familiar with her testimony. Her deposition has not been made public.

It is a federal crime to retaliate against anyone for providing information about criminal activity to law enforcement authorities.

Federal prosecutors are investigating whether Cabral committed perjury by lying to the federal grand jury about the reasons for the nurse's termination.

Cabral's office did not respond to requests for comment for this report. Neither the US attorney's office nor the FBI would comment on the status of the criminal probe, and Mastrorilli, through her lawyer, declined comment. Porter and Jurdak could not be reached.

Cabral, who took office in 2002, was chosen by Acting Governor Jane Swift to reform the department, which had been shaken by allegations of inmate abuse by jail guards under her predecessor, Richard J. Rouse.

Porter, who helped the FBI investigate abuse from 1999 until she was let go, has filed a \$2 million lawsuit against the sheriff, the jail, and the private company for whom she worked, Correctional Medical Services, saying she was retaliated against for being an FBI informant.

Jurdak's deposition was one of several documents attached to a request filed in US District Court last week by Cabral's lawyers. In the documents, Suffolk County Sheriff's Department deputy general counsel Ellen Caulo asked a judge to order the FBI to disclose information concerning Porter's work as an informant. US Attorney Michael J. Sullivan had earlier rejected the request, saying disclosing confidential information would jeopardize investigations.

"Release of this information would reveal confidential sources and investigatory records compiled for law enforcement purposes and would interfere with enforcement proceedings or disclose investigative techniques and procedures, the effectiveness of which would thereby be impaired," Sullivan wrote on June 28.

In her deposition, Jurdak, who was Porter's supervisor at CMS Inc., said that after Porter's dismissal, the FBI came to question her at the jail, but that she was afraid to speak to the agent, she said. "My first reaction to be honest is . . . now I am going to be barred from the facility."

"Why did you think that," she was asked by one of the lawyers taking the deposition. "Because that is how I felt," Jurdak responded, "like she [Porter] talked to the FBI and now she doesn't work here any more. And I was a little uncomfortable."

But she eventually told the agent what had happened to Porter: "She asked me if I was in the room when Sheila was barred, and I said yes. I told her what I told you . . . that she [Mastrorilli] read from the policy that she was barred for communicating with an outside agency and she [Mastrorilli] read from the policy and that was it, that, you know, she left her to pack up her stuff and take her time."

Over the years, Porter said in her lawsuit, she has given the FBI information about misconduct at the jail, including sexual and physical abuse of inmates by guards and drug dealing and drug use by jail workers.

She said she was fired after she told the FBI that an inmate who had been cooperating with the FBI and wearing a wire at the FBI's request had been beaten by a guard and was in danger.

Within days after she spoke to the FBI, Porter was called to meet with the Sheriff's Department special investigations unit, whose officers quizzed her about her contact with the FBI, according to the suit. She was later summoned to meet with Mastrorilli.

Jonathan Saltzman of the Globe staff contributed to this report. ■

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